

Remarks

Claims 1, 7, 23-27, 30-34, 37, 39, 41-49, 51, 52, and 57-65 were pending in the instant application. Claims 1, 7, 23-27, 30-34, 37, 39, 41, 42, 51, 52, and 57-65 have been canceled without prejudice. Claim 43 has been amended. Support for the claim amendments can be found throughout the application and claims as filed. Therefore, upon the entry of the present amendment claims 43-49 will be pending. No new matter has been added. Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim Objections and Allowable Subject Matter

The Examiner has objected to claims 44-49 as being dependent upon a rejected base claim, indicating that the claims would be allowable if rewritten in independent form. The Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. The Applicants have amended claim 43 as described below, and canceled the other rejected claims. Based on the claim amendments and cancellations presented herein, the Applicants respectfully contend all of the pending claims are in condition for allowance.

Claim Rejections – 35 USC § 112¶2

Claims 1, 7, 22-27, 29-34, 37, 39, 41-49, 51 and 57-65 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states that the rejected claims fail to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner alleges that the phrase “alkyl, alkene, alkyne, alkylether” and “alkyl..N-alkyl or N-alkoxy substituted saturated heterocycle” in claims 43 and 58, respectively, is vague and indefinite because the number of carbon atoms present is not enumerated.

Solely to expedite prosecution to allowance, claims 1, 7, 22-27, 29-34, 37, 39, 41, 42, 51 and 57-65 have been canceled, thus the rejection of these claims is moot. As to claim 43, the Applicants have amended the claim to identity definitely the carbon-containing groups for variables R₁-R₅, and remove the problematic phrase. Consequently, the Applicants respectfully contend that the amended claims comply with the requirements of 35 USC 112¶2.

Claim Rejections – 35 USC § 102(b)

Claims 1, 7, 23, 24, 26, 27, 31, 34, 37, 39, 41, 42, 51, 57, 60, 61, 63 and 64 stand rejected under 35 USC § 102(b) as being anticipated by Kiss (US 4,063,889). The Applicants respectfully disagree. However, solely to expedite prosecution to allowance, the Applicants have canceled the aforementioned claims. Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 USC § 102(b).

Claim Rejections – 35 USC § 103(a)

Kaneko et al.

The Examiner has maintained the rejection of claims 1, 7, 22, 27, 29, 31, 33, 34, 37, 39, 41-43, 51 and 60-65 under 35 U.S.C. 103(a) as being unpatentable over Kaneko *et al.* (JP08-030013). The Applicants respectfully disagree. However, solely to expedite prosecution, the Applicants have canceled claims 1, 7, 22, 27, 29, 31, 33, 34, 37, 39, 41-42, 51 and 60-65, thus the rejection of these claims is moot. Claim 43 has been amended to define independently the variables R₁-R₅ as the union of their respective definitions in objected claims 44-49. Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 USC § 103(a) based on Kaneko *et al.*

Bratescu et al.

Claims 1, 7, 23-27, 30-34, 37, 39, 41, 63 and 64 stand rejected under USC § 103(a) as being unpatentable over Bratescu *et al.* (US 6,306,805). The Applicants respectfully disagree. However, solely to expedite prosecution to allowance, the Applicants have canceled the aforementioned claims. Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 USC § 103(a) based on Bratescu *et al.*

Fees

The Applicants believe that no fees that are due in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any fees due in connection with the filing of this Response to our Deposit Account, **No. 06-1448**, reference **SAX-008.01**.

Conclusion

The Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Agent would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
Foley Hoag LLP

155 Seaport Boulevard
Boston, MA 02210

Telephone: (617) 832-1000
Telecopier: (617) 832-7000

By: /Sharon M. Walker/
Sharon M. Walker, Ph.D.
Reg. No. 63,171
Agent for Applicants

Date: February 26, 2010